

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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DERICK MURPHY,

Petitioner,

21 **CIVIL** 112 (JSR)(SN)  
18 **CR** 848 (JSR)

-against-

**JUDGMENT**

UNITED STATES OF AMERICA,  
Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated June 10, 2022, the Report and Recommendation is adopted, and, for the reasons therein Murphy's habeas petition is dismissed with prejudice. In addition, no certificate of appealability shall issue because petitioner has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. 2253. The Court also certifies, pursuant to 28 U.S.C. 1915(a)(3), that any appeal from the order would not be taken in good faith and therefore permission to proceed in forma pauperis is denied. See *Seimon v. Emigrant Savs. Bank* (In re *Seimon*), 421 F.3d 167, 169 (2d Cir. 2005).

**Dated:** New York, New York  
June 10, 2022

**RUBY J. KRAJICK**

BY:

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**Clerk of Court**

*K. mango*

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**Deputy Clerk**